

MCKEE VOORHEES & SEASE, PLC

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DATE: November 4, 2002

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FROM: Carole Rasmussen on behalf of Heidi S. Nebel

NUMBER OF PAGES (Including cover): 4

COMMENTS:

09/771,045
P05573US3

Please see the attached response to the restriction requirement and the Auto-Reply fax transmission sheet from 4/24/02. Please call if you have any questions.

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MCKEE VOORHEES & SEASE

002

4/24/02 14:22:15

USPTO->

515-288-1338 Rpt FAX

Page 001

TO:Auto-reply fax to 5152881338 COMPANY:

Auto-Reply Facsimile Transmission



TO:

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Fax Information

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Duval, et al.
SERIAL NO : 09/771,043
FILED : January 24, 2001
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND RELATED POLYPEPTIDES AND METHODS OF USE

Opp./A.U. : 1638
Examiner : Ibrahim, M.
Conf. No. : 7253
Docket No. : P01573103

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement dated March 26, 2002, applicant hereby elects with traverse to proceed with Group I - claims 1-8 and 12-19, drawn to an isolated polynucleotide encoding APAD enzyme in a recombinant cassette, and transgenic plant/cell line comprising it. Claims 9 through 11 and 20-22 will be canceled once a notice of allowance is received for Group I.

With respect to the species election, applicant provisionally elects, again with traverse, the species of SEQ ID No. 25. In the event that a generic claim is not found allowable, and the election is maintained, the claims will be limited to the elected species.

CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.55(a)(3))

I hereby certify that this document and the documents referred to as enclosed therein are being transmitted via Facsimile (or Technology) Company (Art Unit 1638) 703-672-9304, Attn: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 24 day of April, 2002.

Michael S. Nebel

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11/4/02
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Duvick, et al.
SERIAL NO : 09/771,045
FILED : January 26, 2001
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND
RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638
Examiner : Ibrahim, M.
Conf. No. : 7253
Docket No. : P05573US3

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement dated March 26, 2002, applicant hereby elects with traverse to proceed with Group I - claims 1-8 and 12-19, drawn to an isolated polynucleotide encoding APAO enzyme in a recombinant cassette, and transgenic plant/cell/seed comprising it. Claims 9 through 11 and 20-22 will be canceled once a notice of allowance is received for Group I.

With respect to the species election, applicant provisionally elects, again with traverse, the species of SEQ ID No:35. In the event that a generic claim is not found allowable, and the election is maintained, the claims will be limited to the elected species.

CERTIFICATE OF FACSIMILE TRANSMISSION (37 C.F.R. § 1.6(a)(3))

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Heidi S. Nebel